

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
N/S Greenway Rd., 1000 ft. * ZONING COMMISSIONER
of 5/1 Boxer Hill Road * OF BALTIMORE COUNTY
1120 Greenway Road *
8th Election District * Case No. 92-17-A
3rd Councilmanic District *
Mitchell G. Angelos, et al *
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request, pursuant to the Petition for Zoning Variance, a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a setback of 95 feet, more or less, from the dwelling to the centerline of Greenway Road, in lieu of the required 75 feet, a left (west) side yard setback of 33 feet, more or less, from the dwelling to the proposed property line in lieu of the required 50 feet, and a right (east) side yard setback of 40 feet, more or less, from the dwelling to the property line, in lieu of the required 50 feet, all as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners appeared, but did not testify. Appearing and testifying on their behalf was James McKee, Professional Engineer.

Testimony indicated that the subject property, known as 1120 Greenway Road, consists of 3.77 acres more or less, zoned R.C.5, and is improved with a single family dwelling. The Petitioners are desirous of subdividing the property to create two building lots in accordance with that depicted on Petitioner's Exhibit 1. The proposed "front lot" is improved with the existing dwelling and is immediately adjacent to Greenway Road. The remaining portion of the property, containing 2.074 acres and designated as the "rear lot", is proposed for development with a single family dwelling.

Access to the rear lot will be by way of a panhandle driveway on the west side of the property through the front lot.

Testimony indicated that the variances requested are necessary in order to continue the existing front yard and right (east) side yard setbacks for the existing dwelling and that the setback requested for the left (west) side property line is needed as a result of the proposed construction of the 24-foot wide panhandle driveway. Testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 268 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render performance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it

is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of September, 1991 that, pursuant to Petition for Zoning Variance, a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 55 ft. +/- dwelling to centerline setback in lieu of the required 75 ft. setback, a 33 ft. +/- left side dwelling to proposed property line setback in lieu of the required 50 ft. setback, and a 40 ft. +/- right side dwelling to property line setback in lieu of the required 50 ft. setback, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn
cc: Peoples Counsel

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PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 92-17-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A04.3.B.3 to permit a 55 foot +/- dwelling to centerline setback in lieu of the required 75 foot setback, a 33 foot +/- left side dwelling to proposed property line setback in lieu of the required 50 foot setback, and a 40 foot +/- right side dwelling to property line setback in lieu of the required 50 foot setback, all of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1. The dwelling is existing.
2. The subdivision of the property creates the 33 foot +/- left sideyard deficiency.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I We do solemnly declare and affirm, under the penalties of perjury, that I we are the legal owner(s) of the property which is the subject of this Petition.

| | |
|---------------------------|---|
| Contract Purchaser: | Legal Owner(s): |
| (Type or Print Name) | Mitchell G. Angelos |
| Signature | Signature |
| Address | Deanna Angelos |
| City and State | (Type or Print Name) |
| Attorney for Petitioner: | Signature |
| (Type or Print Name) | 1120 Greenway Road |
| Signature | Address |
| Address | Cockeysville, Maryland 21030 |
| City and State | City and State |
| Attorney's Telephone No.: | Name, address and phone number of legal owner, contract purchaser or representative to be contacted |
| | McKee & Associates, Inc. |
| | Name |
| | 5 Shawan Road, Hunt Valley, MD 21030 |
| | Address |
| | Phone No. |

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock _____ M.

ESTIMATED NUMBER OF COPIES OF ORDER: _____
Zoning Commissioner of Baltimore County.
(over)

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

October 4, 1991

Mr. and Mrs. Mitchell G. Angelos
1120 Greenway Road
Cockeysville, Maryland 21030

RE: Petition for Zoning Variance
Case No. 92-17-A

Dear Mr. and Mrs. Angelos:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

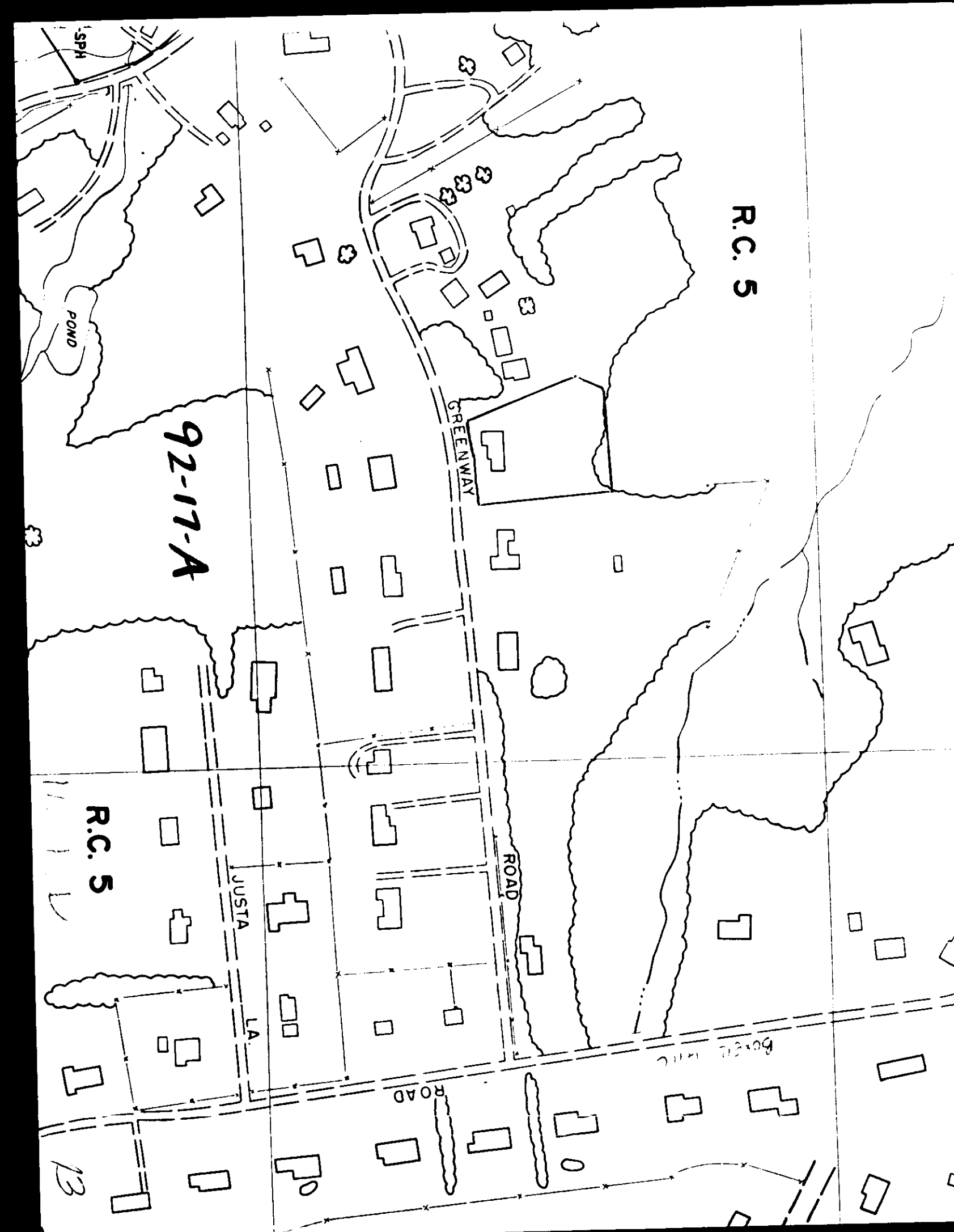
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
cc: Peoples Counsel

ZONING DESCRIPTION OF
LOT ONE, ANGELOS PROPERTY
1120 GREENWAY ROAD
EIGHTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point situated on the future right-of-way line of Greenway Road, having a future right-of-way width of 60.00 feet, said point being situated 1,000 feet westerly, more or less from the centerline of Boxer Hill Road; thence leaving said point and running along said future right-of-way line westerly 160 feet +/-; thence northeasterly 62 feet +/-; thence easterly 198 feet +/-; thence southerly 257 feet +/- to the point of beginning.

Containing 51,227 square feet or 1.176 acres, more or less. Being known as Lot One, Minor Subdivision CRG Plan, Angelos Property. (As intended to be approved by Baltimore County). Also known as #1120 Greenway Road, located in the Eighth Election District, Third Councilmanic District.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th Date of Posting: September 6, 1991
Posted for: Kanawha
Petitioner: Mitchell G. Angelos, et al
Location of property: 1120 Greenway Road, Cockeysville, Md
Location of Sign: 1120 Greenway Road, Cockeysville, Md
Remarks:
Posted by: LES:mmn Date of return: September 13, 1991
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt

Date

Please Make Checks Payable To: Baltimore County
2-00-499704-11-00
111 West Chesapeake Avenue
Towson, Maryland 21204

\$35.00

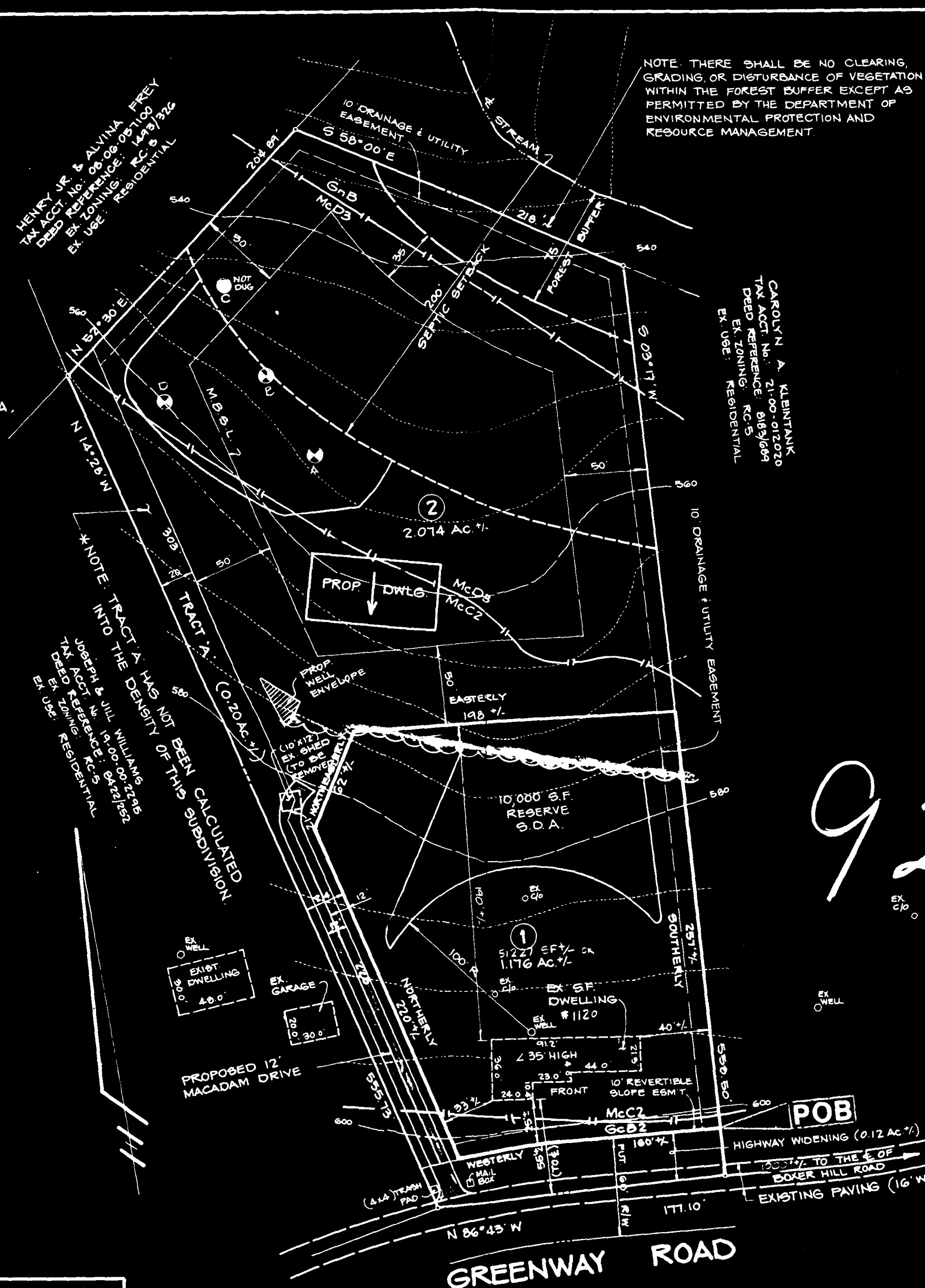
Cashier Validation

1. Councilmanic District: 3
2. Owners: Mitchell G. and Deanna Angelos
1120 Greenway Road
Cockeysville, Maryland 21030
3. Public water and sewer are not available to this site.
4. The requested variances are for Lot One only, subject to revisions by Baltimore County and the owner during the review process. Actual lot lines and areas have not yet been calculated and/or approved by Baltimore County. A final approved plat accompanied by legal descriptions, shall be submitted to the Zoning Commissioner for inclusion with the zoning case file for permanent record.
5. AREA OF LOT ONE: 51,227.66 SQ. FT. IN 176 AC.
6. EXISTING ZONING OF LOT ONE: R-30S
7. SITE LIES ON 2. SQUARE ZONING MAP NW150
8. SITE IS NOT IN ONE ADEQUATE BAY CRITICAL AREA.
9. THE AREA IS BEING ZONED MEANINGS FOR
THIS SITE

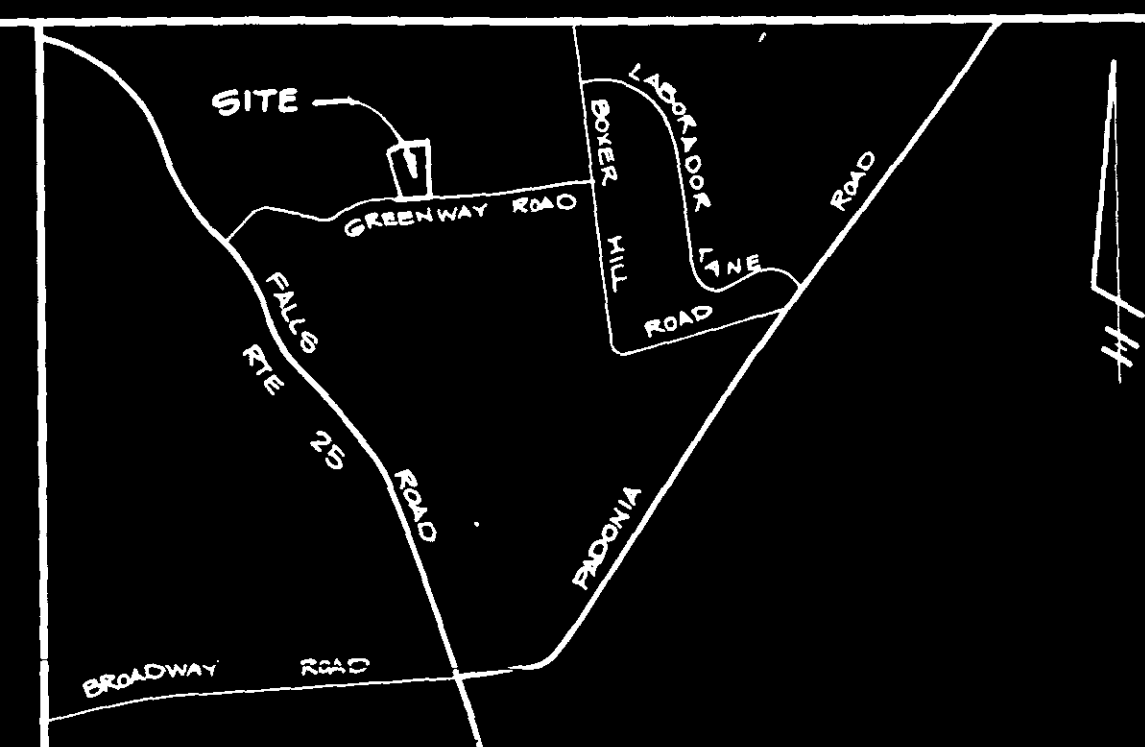
Requesting variances from Section 1A04.3B.3 for Lot One shown hereon to permit:

1. A 55 foot ± setback to the centerline of Greenway Road in lieu of the required 75 foot setback.
2. A 33 foot ± left side setback to the proposed property line in lieu of the required 50 foot setback.
3. A 40 foot ± right side setback to the existing property line in lieu of the required 50 foot setback.

Engineering - Surveying - Real Estate Development
SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21038
(301) 527-1555



NOTE: THERE SHALL BE NO CLEARING, GRADING, OR DISTURBANCE OF VEGETATION WITHIN THE FOREST BUFFER EXCEPT AS PERMITTED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.



VICINITY MAP
SCALE: 1"=1000'

| | | |
|------------------------|----------------|------------|
| 1. Existing Zoning | | RC-5 |
| 2. Gross Area | | 3.77 Ac. ± |
| 3. Area Tract "A" | | 0.20 Ac. ± |
| 4. Net Gross | (3.77 - 0.20) | 3.57 Ac. ± |
| 5. Lots Permitted | (3.57 x 0.667) | 2.4 |
| 6. Lots Proposed | | 2 |
| 7. Net Area Lots 1 & 2 | | 3.45 Ac. ± |
| 8. Net Area Tract "A" | | 0.20 Ac. ± |
| 9. Net H/W Area | | 0.12 Ac. ± |
| 10. Parking Required | (2 per lot) | 2 |
| 11. Parking Proposed | (2 per lot) | 2 |

92-17-A

*1120 GREENWAY ROAD

8TH ELECTION DISTRICT
SCALE: 1" = 50'

BALTIMORE CO, MD
JULY 6, 1991

BEING
LOT ONE
"ANGELOS PROPERTY"
(MINOR SUBDIVISION CRG PLAN)
(FINAL APPROVALS PENDING)

LG 13
MINOR SUB. PLAT No.